

**BARBERING AND COSMETOLOGY EXAMINING BOARD MEETING  
MINUTES  
MADISON, WI  
October 8, 2001**

**PRESENT:** Bruce Bennett, Karen Kraus, Leon Lauer, Marvile Martin, Lorraine Norem, Danny Trotter, Denise Svetly

**EXCUSED:** Barbara Flaherty, Laura Jenkins

**STAFF PRESENT:** Katharine Hildebrand, Grace Schwingel, Wayne Austin, Judy Mender

**GUESTS:** Ken Moore, Supervisor in the Bureau of Apprenticeship Standards at the Department of Workforce Development (DWD)  
Kathleen Schauer along with 24 apprentices that will graduate in December 2001

**CALL TO ORDER**

The meeting was called to order at 9:35 a.m. by Marvile Martin, Vice Chair.

**AGENDA**

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to approve the agenda, as published. Motion carried unanimously.

**MINUTES (8/6/01)**

It was noted that a correction was needed on page 2 of the minutes, under Practice Issues to indicate that "*Joan Kornitz will give Katharine the name of a woman at the IRS who trains cosmetologists . . .*" instead of Lorraine Norem, as listed in the minutes.

**MOTION:** Danny Trotter moved, seconded by Leon Lauer, to approve the minutes of August 6, 2001 as amended above. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Herrera**

Secretary Herrera informed the Board about several biennial budget items that affect the Department. There will be no tax increases. With the 5% cut in state budgets, the State will be able to save about 180 million dollars. Over 50% of the budget will go towards education in one form or another. Secretary Herrera said that a 5% cut in state budgets did not affect the Department's operations, because the Department has a reserve fund. The Department received three positions in DOE. Secretary Herrera also said that provisions pertaining to closing agents and a cemetery management fund were vetoed. The Department had requested the vetoes. Secretary Herrera thanked the Board, on behalf of the Governor, for their time and efforts as Board members.

## **Board Rosters and Committees**

Noted.

## **2002 Meeting Dates**

The Board requested that the April 2002 meeting date be changed to April 8, 2002 (from April 1, 2001, which is the Monday after Easter). The Board approved the 2002 schedule of meeting dates, with this one change. The next Board meeting is on 12/3/01.

## **Regulatory Digest Draft**

Articles to be written were discussed.

## **Summary of Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted.

## **Press Releases and List of Disciplinary Orders**

Noted.

## **To Pass Folder**

Noted.

## **APPRENTICESHIP PROGRAM**

Ken Moore, Department of Workforce Development, discussed issues with the Board relating to Booth Rental. Moore stated that booth rental is illegal for an apprenticeship, based on the definitions in both state and federal apprenticeship laws which refer to the apprentice employer/employee relationship. Mr. Moore answered several questions raised by Board members.

## **PRACTICE ISSUES**

Karen Krause gave a report from the Continuing Education Committee. Krause said the Committee has been exploring what continuing education may look like in this profession and what is entailed in delivering continuing education that is received in certified, credentialed classes, as opposed to attending trade shows. At the Board's next meeting the Committee would like to have someone explain articulation arrangements. What impact would it have on the profession, businesses, and individuals to require people to attend course work that would lead to an associate degree or a bachelor's or master's degree. The purpose of the education would be to upgrade the profession and that would lead to a self-sustaining and highly professional career choice. Denise Svetly indicated an interest in joining the Committee and the Committee agreed to this.

Krause would like to put a notice in the November Regulatory Digest, soliciting a list of issues that would be good topics to be included in continuing education courses. Hildebrand would be the point of contact for people to submit their ideas by a specific date. Legal Counsel, Wayne Austin, advised the Board concerning the implications of implementing and enforcing a continuing

education requirement. Austin informed the Board that the Department has taken a position that they will not do random audits to determine if licensees have met the continuing education requirements. So, if the Board were to initiate a requirement for continuing education, there would be no way of enforcing the requirement at this point. Some of the problems the Board faced in the past when it did require continuing education were also discussed.

## LEGISLATION

### Report on Status of AB 224

Hildebrand reported that the Legislature has priorities related to anti-terrorism legislation that has demanded their attention, so there has not been any further activity, to date, on AB 224. The Board requested that Hildebrand get a copy of the bill as it stands right now.

## ADMINISTRATIVE RULES

**MOTION:** Leon Lauer moved, seconded by Karen Krause, to make a rule, clarification stating that in order to rent a booth or a chair, a licensee must have a manager's license and an establishment license. Motion carried. Bruce Bennett voted no.

On page 4 of the Administrative Rule Revisions, BC 2.06 (5), states: "If the manager of an establishment leaves employment or becomes otherwise unavailable, an owner may continue to operate the establishment for no more than 90 days without a manager." Judy Mender suggested that the Board add an additional requirement, for tracking purposes, that **the owner must first notify the Department within ten days that the manager is no longer employed, and then the 90-day period starts.** Otherwise there is no tracking as to when the 90 days starts.

On page 4 of the Administrative Rule Revisions, BC 2.07 (1g), there is a word missing. It was suggested that the Board add the word "supervise" to correct this rule to read: "The manager shall train and supervise an apprentice in accordance with s. BC 6.04 (1), and to **supervise** temporary permit holders . . . "

On page 8 of the Administrative Rule Revisions, BC 4.09 (3m) Electrolysis, it was recommended that the Board change that rule to read: **"Utilize only pre-sterilized, single use, disposable lancets for lifting ingrown hairs."**

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to accept the above changes to the proposed administrative rule revisions. Motion carried unanimously.

## BOARD MEMBER ACTIVITY

### NIC Fall Conference Agenda

Hildebrand gave a brief report of some of the activities Barb Flaherty has been involved in at the Fall Conference.

## **EXAMINATION ISSUES**

### **Manager Examination Task Study Results**

Barb Showers handed out a memo from Darwin Tichenor, dated September 21, 2001, and reviewed the results of the Manager Examination Task Study.

**MOTION:** Danny Trotter moved, seconded by Bruce Bennett, to accept the results and recommendations of the Exam Office's Committee for a recommended test plan for the Manager Examination. Motion carried unanimously.

**MOTION:** Danny Trotter moved, seconded by Denise Svetly, implement the new exam without waiting until the new rules related to sanitation and safety are implemented. Motion carried unanimously.

## **DIVISION OF ENFORCEMENT**

Nothing.

## **LEGAL COUNSEL REVIEW**

Nothing.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

Nothing.

## **NEW BUSINESS**

Kathleen Schauer, from the audience, reported on a new Train-the-Trainer Program, implemented by DWD for all apprentices. This is a ten-hour training program for training people who will be training apprentices in the field of barbering and cosmetology, as well as apprentices in other fields industry-wide, such as plumbers, carpenters, painters, etc. Ken Moore and Karen Morgan are very involved in this program. Hildebrand will contact Ken Moore from DWD to get the curriculum and any other information about this program.

## **CONVENE TO CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Lorraine Norem, to convene in closed session to deliberate on cases involving hearings (s. 19.85 (1)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.) Motion carried by a roll call vote: Leon Lauer-yes, Lorraine Norem-yes, Marvile Martin-yes, Karen Kraus-yes, Bruce Bennett-yes, Danny Trotter-yes, Denise Svetly-yes.

Open Session recessed at 11:45 a.m.

## **CLOSED SESSION**

The Board deliberated on case closings.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Karen Kraus moved, seconded by Denise Svetly, to reconvene in Open Session at 12:00 Noon. Motion carried unanimously.

## **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, that the Board agrees to close the following cases, as discussed in closed session. Motion carried unanimously.

### **Case Closings:**

01 BAC 019 - P2

01 BAC 048 - no violation

01 BAC 066 - insufficient evidence

99 BAC 076 - P7

00 BAC 093 - P2

## **ADJOURNMENT**

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to adjourn the meeting at 12:05 p.m. Motion carried unanimously.